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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

**HEARING DATE: AUGUST 31, 2016**

**HEARING TIME: 10:00 A.M.**

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In re:

Victoria Teodorescu,

**Chapter 11**

**Case No. 14-23450 (RDD)**

Debtor

-----X

**NOTICE OF HEARING ON MOTION FOR ORDER (A) APPROVING  
DISCLOSURE STATEMENT, (B) ESTABLISHING SOLICITATION, VOTING  
AND TABULATION PROCEDURES, (C) SCHEDULING A CONFIRMATION  
HEARING, (D) ESTABLISHING PROCEDURES FOR FILING CONFIRMATION  
OBJECTIONS, AND (E) GRANTING RELATED RELIEF**

**PLEASE TAKE NOTICE** that a hearing (the “Hearing”) to consider the motion (the “Motion”) of the Debtor, Victoria Teodorescu (collectively, the “Debtor”) seeking entry of an order (A) approving the Disclosure Statement With Respect to the Debtor’s Chapter 11 Plan (the “Disclosure Statement”); (B) establishing solicitation, voting and tabulation procedures; (C) scheduling a hearing to consider confirmation of the Debtor’s Chapter 11 Plan dated July 29, 2016 (the “Plan”); (D) establishing procedures for filing objections to confirmation of the Plan, and (E) other related relief shall be held before the Honorable Robert D. Drain, United States Bankruptcy Judge, on **August 31, at 10:00 a.m.** (the “**Hearing**”) at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York 10601 or as soon thereafter as counsel may be heard.

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, to the relief requested in the Motion must be: (i) electronically filed with the Bankruptcy Court; (ii) delivered to Chambers of the Honorable Robert D. Drain; and (iii) served upon: (1) the Debtor; (2) the Debtor’s counsel, Garvey Tirelli & Cushner Ltd., 50 Main Street, Suite 390, White Plains, New York 10606, Attn: Todd S. Cushner, Esq., and (3) counsel for The Plan Funder, c/o, SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753, Attn: Justin S. Krell, Esq., so as to be received no later than **5:00 p.m. on August 24, 2016.**

**PLEASE TAKE FURTHER NOTICE**, that you need not appear at the Hearing if you do not

object to the relief requested in the Objection.

Date: White Plains, New York

July 29, 2016

Garvey Tirelli & Cushner Ltd.

Attorneys for Victoria Teodorescu

By: /s/ Todd S. Cushner

Todd S. Cushner, Esq.

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Victoria Teodorescu,

**Chapter 11**

**Case No. 14-23450 (RDD)**

Debtor

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**MOTION FOR AN ORDER (A) APPROVING THE DISCLOSURE STATEMENT,  
(B) ESTABLISHING SOLICITATION, VOTING AND TABULATION  
PROCEDURES, (C), ESTABLISHING PROCEDURES FOR FILING  
OBJECTIONS TO CONFIRMATION (D) SCHEDULING A HEARING  
ON CONFIRMATION AND (E) GRANTING RELATED RELIEF**

**TO: THE HONORABLE ROBERT D. DRAIN,  
UNITED STATES BANKRUPTCY JUDGE**

Victoria Teodorescu (“Debtor”) the debtor and debtor-in-possession herein, by her attorneys, Garvey, Tirelli & Cushner, Ltd., and for her motion (the “Motion”) for an order substantially in the form annexed hereto as **Exhibit “A”** (the “Approval Order”) (A) approving the Disclosure Statement With Respect to the Debtor’s Chapter 11 Plan (the “Disclosure Statement”); (B) establishing solicitation, voting and tabulation procedures; (C) establishing procedures for filing objections to confirmation of the Plan; (D) scheduling a hearing (the “Confirmation Hearing”) to consider confirmation of the Debtor’s Chapter 11 Plan; (the “Plan”); and (E) granting related relief, respectfully represents:

1. The Debtor submits this Motion pursuant to Rules 2002(b), 3017, 3018, 3020 and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and sections 1125 and 1128 of title 11 of the United States Code (the “Bankruptcy Code”).

2. The Debtor respectfully submits that the extensive Disclosure Statement contains adequate information so as to allow holders of claims to make an informed judgment as to whether to accept or reject the plan and accordingly should be approved by the Court.

**INTRODUCTION**

3. On October 14, 2014, (the “Filing Date”) the Debtor filed a voluntary petition for relief under chapter 11 of the United States Bankruptcy Code (the “Code”).

4. The Debtor has continued in possession of her property and management of her affairs as a debtor-in-possession pursuant to 11 U.S.C. § 1107.

5. No committee of unsecured creditors, trustee or examiner has been appointed in the Debtor’s case.

6. The Debtor is an individual that resides at a rental home located at 50 Park Lane, West Harrison, New York 10604

7. The Debtor continues to be employed as a vascular surgeon by a New York City hospital.

8. On April 14, 2014, the Debtor filed an Application to Employ Garvey Tirelli & Cushner Ltd. as attorneys for the Debtor at ECF Doc. No. 7.

9. On July 25, 2016, the Court entered an Order Authorizing the Debtor to Retain Todd S. Cushner, Esq. and the Garvey, Tirelli & Cushner, Ltd. as counsel to the Debtor and Debtor-in-Possession, Nunc Pro Tunc as of the Filing Date at ECF Doc. No. 51.

10. On January 30, 2015, the Debtor filed and served a Motion to Set Last Day to File Proofs of Claim at ECF Doc. No. 18.

11. On March 2, 2015, an Order was entered by this Court establishing a general claims date of April 8, 2015 for the filing of pre-petition claims (the “Bar Date Order”) at ECF Doc. No. 20.

12. On May 12, 2016, the Debtor filed and served a Motion to Sell Property Free and Clear of Liens under Section 11 U.S.C. § 363(f) at ECF Doc. No. 39.

13. On May 12, 2016, the Debtor filed and served an Application to Employ Sotheby's International Realty Inc., John Healy as Real Estate Broker at ECF Doc. No. 40.

14. On June 20, 2016, this Court entered an Order Granting Debtor's Motion Under Bankruptcy Code §§ 105, 363 and 1146: (1) Authorizing and Approving Terms and Conditions of a Stalking Horse Contract for the Sale of Debtor's Real Property Subject to Higher or Better Offers, Free and Clear of All Liens, Claims, and Encumbrances, (2) Approving a Breakup-fee to Stalking Horse Bidder, (3) Establishing Procedure to Confirm Highest or Best Offer Received at Sale, (4) Approving Form, Time and Scope of Notice of Sale, (5) Approving the Short Sale Agreement and (6) Granting Related Relief at ECF Doc. No. 45.

15. On June 21, 2016, this Court entered an Order Authorizing Retention of Sotheby's International Realty Inc. as Broker for the Debtor at ECF Doc. No. 46.

16. On July 29, 2016, the Debtor timely filed a Disclosure Statement at ECF No. 52.

17. On July 29, 2016, the Debtor timely filed a Chapter 11 Plan of Reorganization at ECF Doc. No. 53.

18. By this Motion, the Debtor also seek entry of an order, substantially in the form annexed hereto as Exhibit "A," (the "Approval Order") (A) approving the Disclosure Statement With Respect to the Debtor's Chapter 11 Plan (the "Disclosure Statement"); (B) establishing solicitation, voting and tabulation procedures; (C) establishing procedures for filing objections to confirmation of the Plan; (D) scheduling a hearing (the "Confirmation Hearing") to consider confirmation of the Debtor's Chapter 11 Plan; (the "Plan"); and (E) granting related relief.

### **NOTICE**

19. Rules 2002(b) and 3017 of the Federal Rules of Bankruptcy Procedure require that all of the Debtor's creditors and equity security holders be given at least twenty-eight (28) days' notice by mail of the hearing and the time to file objections to the Disclosure Statement. Notice of this Motion (together with a copy of the proposed Approval Order), Disclosure Statement and the Chapter 11 Plan have been served upon the Office of the United States Trustee. In addition, a Notice of Hearing on the Disclosure Statement has been served upon (a) all persons listed in the Debtor's Schedules of Assets and Liabilities (the "Schedules") as holding claims against the Debtor or her property, (b) all persons

and/or entities not listed on the Schedules who have filed proofs of claim in this case, (c) the Internal Revenue Service, (d) the United States Attorney for the Southern District of New York, (e) all state and local taxing authorities in which the Debtor conducted business, and (f) all parties having filed a notice of appearance in this case. The Debtor submits that such notice satisfies the requirements of the Bankruptcy Code, Bankruptcy Rule 2002 and the Local Rules of this Court.

20. No prior written request for the relief sought herein has been made to this or any other Court.

**WHEREFORE**, the Debtor respectfully requests that this Court enter the attached Order (A) approving the Disclosure Statement With Respect to the Debtor's Chapter 11 Plan (the "Disclosure Statement"); (B) establishing solicitation, voting and tabulation procedures; (C) establishing procedures for filing objections to confirmation of the Plan; (D) scheduling a hearing (the "Confirmation Hearing") to consider confirmation of the Debtor's Chapter 11 Plan; (the "Plan"); and (E) granting related relief.

Date: White Plains, New York  
July 29, 2016

Garvey Tirelli & Cushner Ltd.  
Attorneys for Victoria Teodorescu

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